

**PANEL Q&A
Town Meeting
July 15, 2003**

Panel:

David Drachsler
Member of the Board of Directors of the American Civil Liberties Union of Virginia
Appointed by Governor Warner as a Member of Virginia Council on Human Rights
Employment Lawyer at the U.S. Department of Labor in Washington, D.C.

Tim Freilich
Managing Attorney with the Virginia Justice Center

Ann Rust
Congressman Tom Davis's Office (Immigration Specialist)

Kerrie Wilson
Executive Director of Reston Interfaith

Sarah Ince
Director of Social Services, Reston Interfaith

Henry Bibber
Town of Herndon, Director of Community Development
Professional Urban Planner

Richard B. Kaufman
Town of Herndon, Town Attorney

Glen E. Reyes
Department of Homeland Security
Bureau of Immigration and Customs Enforcement, Washington Office

Toussaint Summers
Town of Herndon, Police Chief

PANEL RESPONSES TO QUESTIONS

The following was transcribed from a videotape of the meeting provided by HCTV.

HENRY BIBBER	
QUESTION	COMMENTS & ANSWERS
In my opinion the Town has already decided on the day laborer question. If they have not, why could it not be put to a Town vote?	<p>As I understand it, the Town has not decided on the day laborer question. What the Town Council has decided to do is to put it on their agenda and handle it on their agenda and not let it go unaddressed any longer. The place where they started out was to ask whether or not this current location should continue or whether there should be an effort made to relocate the day labor site. So the process then became one of looking into a variety of sites and this site was deemed a possibility.</p> <p>Several years ago there was a group that was just mentioned that came up with 5 sites: the Herndon Lumber site, the parking lot next to the Herndon Municipal Center, the Kohl's garage, an area behind the Chevy Chase Bank along the Herndon Parkway near the apartments and townhouses in that area; and, across the street from the library downtown.</p> <p>The preferred site was the Herndon Lumber site, actually. We looked into and contacted the owners of these sites. The Herndon Lumber site at that time was owned by Boston Properties. Boston Properties at that time was not interested in putting a temporary site on their property because they were putting the property up for sale. This is probably how the Stanley Martin Communities who bought the property learned about the potential for having a temporary site on the Herndon Lumber site.</p> <p>The other sites were looked at. The Herndon Municipal Center parking lot was looked at and considered to be too small. The Kohl's garage... Kohl's indicated no interest at all. The Chevy Chase Bank, the owner said they were about to develop the property, and that has not developed. Across the street from the library, the site plan of which has just been approved. So of those five sites, the Herndon Lumber site rose to the top.</p> <p>The process is now that there is a proposal for a change to the zoning ordinance to allow a temporary day labor site and this is a change to the zoning ordinance. There is a second matter which is the specific application for a conditional use permit for the Herndon Lumber site as a temporary day labor site. That application was filed by Reston Interfaith and those two matters are now proceeding through public hearings. The Planning Commission has held one public hearing on both of those items and it continued those public hearings and those will again be taken up in August. Once the Planning Commission makes a recommendation on those two matters it will go to the Town Council.</p> <p>I don't know what the answer to the question of putting it up for a vote would be. Maybe the Town Attorney would want to help out on that... Can it be done?</p>
RICHARD B. KAUFMAN	
	<p>I am Richard B. Kaufman, Town Attorney for the Town of Herndon and several of the questions related to this issue is, "Can this type of thing be put up for a public referendum?". A public referendum is a situation where basically the citizens of the Town would vote on a question that would be put on the public ballot. We, the General Assembly of the Commonwealth of Virginia, have a statute that disallows advisory referendum. That is why these types of things in Virginia are not put on the ballot.</p>

	<p>There are some types of bond issues that can be the subject of a referendum and that is always the case in counties. It is very infrequently the case in cities and towns which are municipal corporations; however, cities and towns may have a bond referendum on certain revenue producing projects and I do not know whether this is a revenue producing project, I doubt if it is. So the answer is you cannot have a referendum on this because the General Assembly has disallowed an advisory referendum.</p>
HENRY BIBBER	
AUDIENCE QUESTION: Can the site be moved?	<p>The site that has been proposed can be rejected and if another site is proposed and approved, that is how the site can be moved. Are we speaking of the proposed site or the existing site?</p> <p>ANSWER: The Herndon Lumber site.</p> <p>The Herndon Lumber site, if the Town Council denies the Conditional Use Permit Application, then it will not go there. If another site is proposed and it is approved on another site, then that is the method for moving it.</p>
<p>JANET COMMENT: I wanted to let you know that even if your questions aren't answered here tonight, they will be recorded and given to the Town Council. Also, the Town staff is prepared to answer your questions at any time. So the questions that you might have that you do not feel got an adequate answer, you can call your Town staff and request an answer as well. So we are going to try to get through because everyone has had questions and they have prepared a few minute statement around the questions they have gotten so I am going to go down the line here and give you each about 5 minutes.</p>	
JANET (Northern Virginia Mediation Services)	
AUDIENCE QUESTION: "Why can't we make that available on the Town of Herndon internet site?"	<p>My task was to get the information to Liz Hagg and I believe the City people will be passing on that information – thumbs up here – that they will be passing on that information on the website.</p>
DAVID DRACHSLER	
Can Town authorities stop people at random and demand that they identify themselves and their legal status?	<p>The short answer to that question is No. I know that's the answer to the question because someone wrote the answer "No" on the piece of paper they gave me. Actually there was a Supreme Court case a number of years ago involving an African American man in the Los Angeles area who had dreadlocks, I am not sure exactly what kind of clothes he wore, and he liked to walk at night through various neighborhoods, including some wealthier neighborhoods, and people did not like that in some neighborhoods.</p> <p>The police tried to stop him and demanded identification. He refused to give it. The case went to the Supreme Court and the Supreme Court said they can't do that. The freedom of movement in our society is one of the basic aspects of the right to liberty under the due process clause of the Fourteenth Amendment. That sort of leads into the next question.</p>
How will those who do not find work on any given day be dispersed so they don't move from the day laborer site en masse to the post office, 7-Eleven, etc.?	<p>I think the question presupposes that the government, the state has the authority to disperse people. Again, the Supreme Court has held that the government does not have that authority, as recently as 1999, the Supreme Court struck down an anti-loitering ordinance in Chicago and reiterated the principal of freedom of movement is one of the basic principals of liberty protected by the Constitution and goes back to the beginning of our country when people moved freely from the East Coast to the West.</p>
Are the people who refuse to have this site racist? Is this a discrimination issue?	<p>I am not prepared to say that any particular person who is opposed to this site is doing so for a racist reason. I am not sure that I am qualified to say that, but again, the Supreme Court has said that one of the problems with anti-loitering ordinances is, or can be, and in the Chicago case they found that it was, gives too much discretion to the police who enforce the ordinance so that it can result in a situation of discrimination against certain groups if it is only enforced against certain groups and not others.</p>

	<p>I can think of a situation in my own neighborhood in Alexandria, people stand around in the street, it's a quiet neighborhood, and they talk. Are they loitering? It seems somewhat inconceivable that the police would ever try to do anything to them if there were an anti-loitering ordinance in Alexandria but down on Queen Street, for example, which has been known to be a drug sale area they might want to roust people for simply standing around.</p>
Are civil liberties applied only to legal residents and citizens?	<p>The short answer to that is No. The Fourteenth Amendment speaks in terms of no state shall deprive any person of life, liberty and property without due process of law, not citizens. The Supreme Court has held that the Federal Government does have certain authority with respect to immigrants coming in to the country, what people do once they are here and whether they can be required to leave the country for those kinds of things, and I will defer to my colleague from Homeland Security to talk about that.</p>
As a community how can we avoid being labeled an illegal just by how we look?	<p>I think this leads into the whole question of discrimination again. If I am not mistaken, in 1986 when the last major amendment to the Immigration Nationality Act was passed the Justice Department set up a division whose sole function was to monitor enforcement of the new Immigration Law and to make sure that it was not being enforced on the basis of discriminating against certain minority groups but that it was enforced only against those who had violated the Immigration rules regardless of what group they came from.</p>
GLEN E. REYES	
	<p>Thank you again and good evening. Mrs. Rust and I will share the five minutes so to make things go quickly what I would like to share with you would be the priorities of the Immigration and Customs Enforcement. Many of the questions basically asked, "My concern is immigration issues for day laborers.</p> <p>The priorities are five priorities:</p> <ul style="list-style-type: none"> * Identify and remove criminal aliens. * Deter, dismantle and diminish smuggling and trafficking of aliens. * Minimize immigration benefit fraud and other document abuse. * Respond to community reports and complaints about immigration and build partnerships with those communities to solve local problems (and that is why we are here today) * Block and remove employers access to undocumented workers.
When will the police get the authority to ask for IDs, green cards, etc., to report the 50% estimated of illegal aliens?	<p>I heard about the survey this evening. I have not seen any information concerning the 50% of illegal aliens on the site at Elden Street. I will tell you there is a public law that authorizes the Department of Homeland Security to cross-designate and cross-train state and municipal police officers to enforce immigration laws with certain restrictions and under the guidance of an immigration supervisory special agent. That is up to the community to contact us and we can do that.</p>
What is the legal status of the day laborers seeking employment at the current site?	<p>As I told someone earlier, we cannot just look at someone and determine that person's immigration status. There are so many categories of people, asylum seekers, people granted asylum, temporary protected status, a tourist coming here just going to the store. I don't have time now to get into the different categories of what many of us think are illegals but sometimes what we see is not what the situation is. Having said that, I would like to let Mrs. Rust continue with the questions. Thank you.</p>
ANN RUST	
	<p>First of all let me say that the remarks that I make are totally my own remarks, not anyone else's thoughts. We got all kinds of questions. We were interested to see that the civil liberties questions were answered and we still have stacks of immigration questions. I thought I would try to sort of run down what I see as a member of the community what some of the issues might be.</p> <p>Some people might think that day laborers are burdens, some think there are benefits to us. We understand that local officials can be authorized to deal with</p>

	immigration issues with training under the auspices of the BICE. They like to be called ICE instead of BICE. We also know that there is a new director at ICE who is eager to provide training in communities to assist in concerns that are there. This is a new director recently appointed within the last couple weeks. We have a good location to Dulles where there are customs immigration officials. There may be a unique opportunity available there. That might also help us if we talk to the folks at BCIS and BICE.
Are there ways for illegals to become legal?	Yea, there are, probably a dozen. Can't tell you that tonight it would take the rest of the night. There was a question asked about Home Depot that I want to answer....
No question stated	Home Depot policy is that they do not allow day labor sites on their property. It is their national policy. They do however make available grants to address the day laborer situation in communities where there are located, where the money might be needed. We were asked...
What is the INS position on illegal aliens in Herndon?	There is no INS anymore it has been divided into the Department of Homeland Security and I don't think anybody has a position on an illegal alien in Herndon. We wanted to tell you that according to Federal law that anyone that is paying taxes that has been submitted through social security and identified through the INI process which is a way to identify people who are authorized to work in the U.S., we can ferret out fake social security numbers, folks that you might think have terrorist concerns. There is a real valid reason for having a concern about undocumented aliens in the community. The day laborer hiring site does not prevent those concerns from being addressed and we can address those concerns and that actually may be a benefit to us. There's, throughout the, I brought with us tonight just a stack of other information about other day laborer sites in the country. I know the Council has examined those, but there are some real other options that have happened in the country because this is a phenomenon that is going on across the country. We also want to be sure that you understand that the Federal, as for saying that immigration is a Federal issue you have to remember a local policeman can also regulate a state law so you have to be careful when you talk about what is a Federal, state and local law. There is some interaction between them all.
Can public funds be used to fund a day laborer site?	<p>This is an iffy one and not one that I was able to get a decision on before I can today, but it was a question that arose. We want you to know that local and state law enforcement can be trained to enforce immigration laws. That there are no verification requirements for a non-profit organization to assist folks, and that if earnings are reported that are not valid, then social security can take a look at that. We think it is real difficult to determine who is and who isn't eligible to work, but I know that BICE and the business liaison at BCIS does a wonderful job in training contractors. It might be possible that we could train contractors to actually do and follow the law so that they could determine eligibility to work.</p> <p>There, this does not touch the questions that we got. There are lots of immigration questions. We will provide those to the Council, the questions, and will be delighted to answer any other questions they have.</p>
RICHARD B. KAUFMAN	
What would happen if a permanent or a temporary formal site were established and then another informal site persisted or grew up somewhere else?	<p>The Town Council has anticipated that issue and has looked very carefully at an ordinance in Glendale, California that basically said that it is illegal to solicit day worker employment from a vehicle and conversely it is illegal to, for a day worker to solicit employment from a person in a vehicle. The Mayor and Town Council have looked at that and is of a mind this could be a possible way to discourage any alternate day worker assembly site other than a possible preferred one.</p> <p>Now the Council has not made a decision on that but it certainly has intensively reviewed that and that is certainly an option that the Council has looked at, and I have looked at it too for the Mayor and Town Council and have determined that will be a legal option if the Town Council wanted to go that way.</p>

Does the Town of Herndon have legal authority to sponsor or fund, or otherwise involve itself in a day worker assembly site?	It is true that Fairfax County and the Commonwealth of Virginia provide most of the social services in the Town of Herndon. The Town of Herndon as a town, as a municipality in the Commonwealth does not generally provide social services like health and welfare and child services and that type of thing; however, the Town of Herndon does enjoy power to create public market places, public assembly sites and community type facilities as a matter of physical reality. And so that I think, if the Council goes in that way that is the kind of thinking that would drive that from a legal viewpoint. Fairfax County is already providing social service type support at the existing Neighborhood Resources Center. The Town is not doing that it is just providing a site for that area , for that type of activity.
What are the liability issues to the Town of Herndon if there is some possible illegal activity going on at a possible day worker assembly site?	Well there is no vicarious criminal liability, in other words to have criminal liability you actually have to have a criminal intent and an intend to violate the law and certainly the Town of Herndon will not be involved in anything like that. To have civil liability you have to have a breach of a duty owed and that breach must cause damage or injury to another person and I don't think there is any causation here for civil liability so I would advise the Mayor and Town Council that liability issues for any collateral illegal activity would be non-existent for the Town of Herndon.
Has this proposal been cleared with the Virginia Attorney General?	Well no, the Town Council does not make a practice of running issues like this by the Virginia Attorney General. I am the one who advises the Mayor and Town Council on any issues they might be interested in . The Attorney General does not advise the Mayor and Town Council.
TOUSSAINT SUMMERS	
	Well I would like to say that I had a lot of questions to answer, but most of the people before me have answered all of my questions so I'll just pass it on. (JUST KIDDING)
HENRY BIBBER	
	You can't get away with that.
TOUSSAINT SUMMERS	
	<p>Hey, I thought I'd try. First I would like to say that the Herndon Police Department tries their best to partner with the community to keep the community safe and one of the ways that we do that is by using the laws that are on the books to get these bad guys, the criminals, off the street and believe you me if there are some laws on the books that will help us remove the criminal from the street, we know what it is and we use it. We purposely would not know that we can take for example an illegal immigrant, if we had one that we know shouldn't be on the street, should be deported or should be turned over to INS, we would purposely not do that we wouldn't purposely not turn them over.</p> <p>We are sworn to uphold the law and we are sworn to enforce the law and that is exactly what we are going to do and that is exactly what we try to do. Unfortunately Virginia law restricts local law enforcement officers from enforcing Federal laws so that being the case we cannot enforce immigration laws. However there are times that we do call INS, now they are known as ICE/ BICE, however you want to refer to them. During occasions when we have a felon, a serious crime, and we can prove that this person is an illegal immigrant, we call our friends in ICE/BICE and they do come out and they do take those folks.</p>
There were several questions about our enforcement activities at 7-Eleven.	I would like to clarify that we don't station an officer at the 7-Eleven, at the current site. The 7-Eleven supplies security guards and basically do their own policing of the area and call us in on the occasion that they cannot handle the situation.
There was a question about the Code of Conduct formed during the working group I guess about a year or a year and a half ago. The question was "Has that improved the situation?"	This is strictly my opinion. My opinion is that it has improved the situation and that we utilize that Code of Conduct to remind the day laborers as to what they have agreed to. I would say that almost 100% of the time when we remind them that they are supposed to leave at 11:00, they basically leave. Now do some drift back later in the day, yes, and then we remind them again and they leave again, but they do comply with it. They also restrict themselves to one part of the

	parking lot where prior to that they use to be all over the parking lot. So I would say that the Code of Conduct has improved.
In terms of the number of calls received...	<p>I would say that, and I am probably stepping out on a limb, but I would say that there are very few if any calls, crime related calls committed by a day laborer against someone who is not a day laborer. So in other words day laborers may commit crimes amongst themselves and we do occasionally get calls, but I was sitting here trying to think and I can't really think and I am sure someone in the audience will probably say, "Oh, well this happened!"</p> <p>I can't think of a serious crime that a day laborer has committed to someone outside of the day laborer group. Does that make it right? No, there shouldn't be any crime committed against anyone there. But unfortunately I would suspect there is a lot of crime going on among the group that they don't tell the police about, either because of the language barrier or because of their fear of the police.</p>
I do want to address the calls for service in the area.	I just picked a random 9 month period of calls for service and was very interested to find out that during that 9 month period, 80 percent of the calls for service were generated by the police, 20% by the community. So that could say a lot. Either the community is not seeing much crime, or either the community for some reason is not calling us, but it does tell me that the police are there. If there are crimes going on in the area, the police cannot address the crime if you do not tell the police. So either there is not crime going on in the area and it is a perceived thing, or the community is not calling. And I encourage you if you are not calling to please call because we can't address issues that we don't know about. But the facts speak for themselves – 80% of the calls that we respond to there are self initiated by the police; 20% are called in by the citizen.
<p>How will the town respond to my fear? I live next door to the proposed site. I will be personally affected. Are any of you who make the decisions will you be personally affected?</p> <p>My big worry is the fear factor.</p>	The fear factor is a big issue. I really don't know what to say in that regard and I am not belittling the fear factor because the fear factor is a real thing. If you are afraid to go out of your home, that is a big concern. There are all types of fears. There are fears of height. I just carried a friend to a doctor to talk about a surgical procedure and just the doctor talking about the surgical procedure my friend fainted and that is a real fear to that friend. And I can only suggest to you to face your fear as best as you can. Now when I say face your fear I don't mean walking amongst a group of people that you don't know and saying "OK, I am here to face my fear", that is not what I mean at all, but I think this person who said my big worry is the fear factor pretty well summed it up and said, "How can we get to know each other?" I think getting to know each other and facing your fear will help to reduce your fear. And I will leave that there.
AUDIENCE QUESTION: How do you know that? If someone commits an act do you ask them are they a day laborer? or how do you know that?	I can only go by when I speak of the day labor, I am speaking about the day laborer group and crime committed around the day laborers. Now I cannot say that someone on the whole other end of the town may not be a day laborer. I can't say that. We are talking of a site and crime generated at the site. At the site those day laborers to my knowledge have not committed a crime on anyone outside of the day laborer group, to my knowledge.
AUDIENCE QUESTION: If you reviewed calls for services over a 9 month period can you tell us the number of calls ?	I think it was 490+. That is off the top of my head.
JANET	
	We have 3 more people so we want to hurry through those. I know it is after 10:00 now, but if you can stay to listen to the final three panelists I would greatly appreciate it.
TIM FREILICH	
	I am Tim Freilich, Managing Attorney of the Falls Church Virginia Justice Center. We are a non-profit, private legal aide organization that has worked extensively with day laborers and day laborer sites around the metropolitan region and D.C. Questions that I had, I tried to bunch them so I can address as many as possible into general categories.

<p>Why should the town do anything that would be supporting the creation of an alternative economy and what can be done to ensure that both employers and day laborers themselves are complying with laws? Why can't contractors be made to follow the law in regard to employing and paying for day laborer's insurance, social security and taxes? How would you address the issue of businesses using day laborer sites as far as paying appropriate taxes? Concerns about undercutting non day laborer employees, that is businesses in town that are not hiring day laborers.</p>	<p>To those questions I would say a couple things. Day laborer employers are subject to the same enforcement, that is employers of day laborers are subject to the same enforcement as non employers of day laborers. Those agencies, the Department of Labor and Industry, the Virginia Employment Commission, the U.S. Department of Labor are addressing employers alike.</p> <p>As far as the creation of an alternative economy, that is what exists already. I think it is just a question of moving that to a place where there may be more control. I don't really have a comment on that, or it is not my area of expertise.</p>
<p>Why is the day laborer site not overseen by the Virginia Department of Labor or the Virginia Employment Commission?</p>	<p>The Virginia Department of Labor and Industry has one office that covers Northern Virginia, all of Northern Virginia. It is located in Manassas. They have a small hard working staff but frankly they don't have the resources to do the job that they are supposed to be doing, despite their hard work. I think that is a question of lack of resources and the political will to fund the enforcement work that perhaps people are addressing.</p> <p>There was one suggestion, somebody looking over my shoulder at one of the questions, said well maybe the Neighborhood Resource Center might be an option to invite the VEC, Virginia Employment Commission, or the Department of Labor and Industry to have a local enforcement office or program or outreach here in Herndon, which sounds like a sensible suggestion.</p>
<p>Isn't it illegal to hire illegals?</p>	<p>It is unlawful to knowingly hire an individual that lacks work authorization. I have spoken with Reston Interfaith and I have been at a couple of the different hearings. My understanding is that Reston Interfaith and the Town of Herndon certainly will not be hiring any undocumented workers. The employers who visit the site will need to comply with all federal and state laws including the prohibition on hiring folks who lack work authorization.</p>
<p>A long question here that I want to read because it addresses a specific statute. I don't have the statute before me but I will address the version that is written here: " Reston Interfaith said in the March 21st 2003, issue of <u>The Herndon Observer</u> that 50% of the day laborers are here illegally. According to Commonwealth Law – and then there looks like a reference actually to Federal law, uh a Federal regulation specifically – Employment of unauthorized aliens is unlawful. Specifically, if a person or entity hires, recruits or refers, for a fee an alien knowing they are unauthorized?</p>	<p>Again, having talked to Reston Interfaith and my familiarity with the proposal, the law talks about referring for a fee. Ms. Rust mentioned that as well. My understanding is there will be no referral fees and the other part is knowing they are unauthorized. My understanding of the law is that refers to a specific individual and you heard sort of the comments from the Department of Homeland Security, ICE representative regarding what you can or cannot ask. Employers are required to comply with Federal and State law whether they are hiring day laborers or whether they are hiring just a regular employee. So my understanding is they won't be hiring, they won't be charging a referral fee and they are not going to have knowledge of a particular individual's immigration status.</p>

<p>Why do those who seek to use the day laborer site not use traditional channels used by many others to access state services – employment agencies, newspapers, to find employment? Why must an alternative economy be established?</p>	<p>I already sort of talked about that. The main reason we see with folks who come seeking assistance from our program, the language barrier is one of the big ones for folks who are recently arrived who haven't learned English yet. Unfamiliarity with the services that are available. Staffing of the services that exist, like the Department of Labor and Industry for example. That is often one of the benefits, and certainly from our experience, working and looking at the different day laborer sites, one of the benefits of having a formal site is helping people access services. The area that I am an expert in is what walks in our door and the cases that we hear.</p> <p>I have just one example, this is from today, a client, an individual didn't speak English, but arranged through his minimal English that he did know to work for 10 hours at \$10 per hour for the day. At the end of the day the contractor told him well here is your check for \$100. He took it and put it in his pocket looking at it quickly and took it and put it in his pocket. It is way too small for people to see even though I have blown it up. It is a check written for \$1.00. This is the type of thing that goes on around Northern Virginia on a daily basis.</p> <p>This is what our program certainly sees as the benefit of having this is another check that two day laborers were given which is a normal check except, well besides being blown up, it was written out to the workers also who didn't speak English and as you can see it has been filled out pay to the order of the workers name, amount \$200.00. This is actually for two workers doing twelve hours of work on one day.</p> <p>The two workers did not know each other ahead of time before the day started, but they were paid with one check at the end of the day which is just sort of mean it is not really illegal, well maybe it is, but the problem here is when the worker wrote, when the contractor wrote the check and gave it to the individuals, because they did not speak English, the contractor wrote here in the memo line, you can see, VOID, and he wrote on the top of the check, VOID. This is shocking. This is blatantly illegal activity going on in Northern Virginia, which our program, which is a non-profit, a private non-profit, that is trying to make up for underfunded Department of Labor and Industry, underfunded Virginia Employment Commission.</p> <p>We are trying to step in and fill that void to put an end to what is not only illegal activity, but is absolutely reprehensible human conduct. We have seen that if there is a formal site, we are better to address this sort of issue. Putting employees and employers in contact with resources in the community that exist.</p>
<p>KERRIE WILSON</p>	
	<p>I am Kerrie Wilson. I am the Executive Director of Reston Interfaith and I am also, have lived in Herndon for 26 years, so I too care very much about the community and I think Reston Interfaith has been, as well, part of this community. My colleague here, Sarah Ince, is the Director of Social Services at Reston Interfaith. We've divided up some of the questions to address that. Like Tim, I had a number of questions in a variety of categories.</p>
<p>The first was about organized, unorganized, formal, informal, temporary, permanent, please define what are the differences between those sites.</p>	<p>I think we heard in many of the break out sessions about the concerns of the day laborer assembly at the 7-Eleven. There are workers there, they are not to be organized. There are people in the parking lot or out in the street impeding traffic, the concerns that neighborhoods have brought forward. Everything that was addressed through the Town's Community Relations Working Group is the reason we are working towards a formal, organized site where we can put in place the rules and regulations for the people, the employers as well as the workers who will come to the site. Where we can offer services and programs to address some of the issues we see. Help with training and education. Some of the programs Sara will address. So that is one issue.</p>
<p>A number of questions about the</p>	<p>All of those questions first and foremost as we have heard through the process that</p>

<p>site location. There were a number of questions on this. A couple of them,</p> <ul style="list-style-type: none"> * Why not put it at Reston Interfaith headquarters? * Why not put it in Reston? * Why not put it on church property? <p>And then there was a separate question I want to address it said *Why doesn't Reston Interfaith move the site to one of its sponsoring religious organizations?" and also a question about "Why not put it at the Home Depot?"</p>	<p>the zoning ordinances text amendment comes first in determining whether or not there will be zoning that permits a day laborer site. That is the first process regardless of where we are looking at a site.</p> <p>We have land that has been proffered that was one of the sites that was identified in the Community Relations working group, so that is why Reston Interfaith has proceeded with an application that is currently before the planning commission.</p> <p>As to some of the other issues one that came out at the Community Relations working group and with our colleagues, some of the day laborers who work on the site and are organized, transportation is a big issue. These are workers who live in our community, so getting to another site out of this area is the first barrier that we have to address. All of the sites identified in the Community Relations working group are within the distinct location that would serve the men and women who live in our community who hope to utilize this site.</p> <p>Reston Interfaith is a non-profit human service agency. We are supported by sponsoring religious organizations, but they simply are the groups that provide resources and provide the covenants of our board. We do not own the properties they live on. We certainly, again, would be pleased if any of the religious organizations or others in the community would make a site available to us as Stanley Martin has done with the site at the Herndon Lumber site. That has not been the case. Again that would have to go before zoning. Mrs. Rust addressed the question about the Home Depot which is a good question. Another question that has come up ...</p>
<p>People have indicated that there are other sites that are available.</p>	<p>I am not aware of those and those are issues that we certainly could explore. I don't know of another site in Herndon that meets the qualifications that are available for us to proceed.</p>
<p>What is Reston Interfaith's experience in providing employment matching and in immigration services?</p>	<p>Reston Interfaith is a human service non-profit agency. We have been in this community, established 33 years ago and our expertise is in providing programs to promote efficiency of individuals to help them to be, address their housing needs, issues of food, child care and all of those issues, so we have a variety of experience. We run employment matching programs at the homeless shelter we operate in Reston. We work with our transitional people living in transitional affordable housing in matching them with employers. We run a, have experience with a program called the Construction Training Opportunity so we have a long history and experience. We deal with many foreign born residents, immigrants, every day, and many of our programs, as well as other people in need of our services. I think that is why we feel we are qualified as well as being located in this area. .</p>
<p>There was a question related not necessarily to the day laborer site, but I wanted to make sure I addressed it so people wouldn't feel it was skipped over. The question regarding a disproportionate number of calls that the Herndon Police get to come out to homes owned by Reston Interfaith.</p>	<p>We own 31 townhomes in the Reston/Herndon area in which we provide for families and individuals to have a home of their own. I am unaware if that is the case that there is any disproportionate number or frankly any calls at all for problems within our homes. I know of one case in the past year when a woman whose partner had been, it was a domestic violence case, where he came to the home to terrorize the wife and children and that was taken care of. We had another incident with a family that was not working out and they were evicted. There are thousands of people in our community looking for affordable homes. We work with the people. We want them to succeed. We don't keep people in the homes. So I am unaware with that. I would be glad to respond to any calls about that issue.</p>
<p>Finally, the last question was about who is paying and where are the resources coming from?</p>	<p>In general Reston Interfaith is supported by both government, private foundations, the contributions of the many sponsoring religious organizations, individuals and businesses within the community. That is where all of our funding comes from to support all of our programs. As far as the day laborer program, we do have a grant from Fairfax County. They have been actively involved in this issue and have provided funding that assists us in paying for the services of a Site Coordinator. We also have funding from private foundations. We use other contributed resources. The Town of Herndon made a grant to Reston Interfaith to</p>

	support this program. Importantly, when we come into a community, all of those resources are able to leverage other gifts. So grants, like the Home Depot grant, that Mrs. Rust looked at, other resources we will be looking to, private foundations to support our programs. So I am going to turn it over to Sara to handle more of the site specific location issues.
SARAH INCE	
	Thank you Kerrie, and thank you all for sticking it out this late, I'll be brief. First of all, let me commend you on your civic engagement. No one can ever argue that Herndonites are apathetic and that is very positive. Let me talk just a little bit in response to how things will work on a site where Reston Interfaith to operate a day labor site in Herndon.
A number of people wanted to know what the procedure would be. Would laborers be registered? Would they be identified in any way?	Yes, daily laborers will be registered with the site. They will be issued photo IDs which they will present each day when they came to the site looking for work.
Secondly, there was a question about whether the area would be fenced.	Yes. We have a draft site plan which shows clearly there is fencing keeping the labor area separate from rest of the property over at the lumber yard.
Then there were some questions about the service needs of laborers. Do we know what they are and how would we provide for them?	<p>Yes, we have gotten to know the need of the day laborer population over our many years of working with this group of people. One of the needs is English classes and that is something we have provided in the past at the Neighborhood Resource Center. A number of our sponsoring religious organizations offer English classes and that is something we would like to provide on site while our laborers are waiting for work. We have done a field trip up to Casa of Maryland which is a very functional labor site up in Silver Spring. They have day laborers in ESL classes as they wait for work each day and it works out really well. We would very much like to replicate that.</p> <p>Some of the barriers that have had to taking English classes in the past, there was some question about that, why don't laborers speak English, there are alot of reasons. First of all, some of them do. Some of them are American born U.S. Citizens. We have seen a number of folks laid off from various industries, coming to the 7-Eleven who are American born caucasian and afro-american residents of our community. In terms of those who don't speak English, it is hard to learn English. For any of you who have ever tried to learn a foreign language, it is very challenging. Many of the laborers do understand English and can speak some but are shy about it and I know I am shy when I try to use my Spanish so I can certainly identify with that.</p>
Finally, scheduling.	Laborers are often working many jobs. They are piecing together a living working days, nights, weekends. Classes are available throughout the community, yes, but on a regular schedule, and a number of times laborers do not have regular schedules. So if there are ESL classes Monday and Wednesday night, well gosh, maybe they can make it for the first week, but then they have a job the next week. Of course they have to put keeping body and soul together first above that. So we think if we can provide concurrent ESL classes at the labor site that will be a great way to handle it.
There were some questions about what would happen if we have more than 150 laborers on site.	<p>We wouldn't have more than 150 laborers on site. In our application to the Town we have said 150 is the limit and we would control that. Casa of Maryland uses a clicker system and we would do that. If we ever hit 150 we would close the gates until the day laborers had gotten jobs.</p> <p>Also, it is unlikely that we would see 150. At the 7-Eleven right now we are averaging about 40 a day. In really, really busy times it goes up to 80. It is hard to anticipate that it would be more than 150 ever.</p>
There was also a question, "What to do if there is no work?"	And that is the case sometimes, there is not always work. That is why we would have the ESL classes running. We would also have service providers from

	<p>various other agencies available from time to time – referrals to healthcare for example, linkage with legal services, linkage with immigration services. We would have a lot of opportunities for laborers even if they didn't happen to find a job that day to meet other of their needs.</p> <p>I think maybe I will just wrap it up right there</p>
<p>Um let me mention one more thing, oh thank you Kerrie. A number of groups have raised a concern that laborers are not paying taxes.</p>	<p>That is not always the case. In fact, in the past couple of months there has been a real effort within the Herndon laborer community to register for taxpayer I.D. numbers in order to start having the documentation you need to start paying taxes. Paying taxes is often in an immigrant's best interest actually. Evading taxes is not. By paying taxes one establishes good moral character which is something that is looked at when folks are going through U.S. Citizenship so that is a benefit right there to the immigrant. Establishing tax paying history can also date one's presence in the United States which is also useful when one is going for U.S. Citizenship.</p> <p>TIM FREILICH –</p>
<p>Ann Rust Question: Will Reston Interfaith make that available (registering for an individual taxpayer ID number) at the day laborer site?</p>	<p>Well we would certainly make that available. It is already available to the day laborers at the 7-Eleven site. It is not available, it is mandatory.</p>
TIM FREILICH	
<p>(Ann Rust's question above...)</p>	<p>If I can address that really quickly, not everybody needs an individual taxpayer I.D. number. There are people with different immigration statuses. There is something called the earning suspense fund of the social security administration and it is not very well known, but it is where money goes that is paid in by folks who are working with false documents or a name that doesn't match the social security number or taxpayer I.D. number. As of October 2002 that is not the only money that goes in there, but according to this report from the social security administration the majority of the funds consist of mismatched monies paid into social security. As of October 2002 there are \$387 billion dollars, with a b, in the earning suspense fund. The misconception that even folks that lack work authorization are not paying taxes is a misconception. \$387 billion is a lot of money even at the federal level. There is a lot of money paid in by folks who are undocumented. The difference is that most of them will never get it back.</p> <p>Just to address that. But I think that Reston Interfaith's proposal to get folks to use ITIN numbers is a good one. Whether to require it or not, not everybody needs one so they can still pay taxes.</p>
<p>JANET: Thank you very much Tim. Thank you very much everyone for coming tonight, for giving our input. Like I said, your input will be transcribed from your groups. We definitely appreciate the participation. It has been an enjoyable evening tonight for us to facilitate and I do thank the panel for your input. I know you were not able to answer all of the questions, but they will have opportunities. CLAPPING</p>	